

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Request for Review of the Decision of the)	
Universal Service Administrator by)	
)	
Grant Joint Union High School District)	File No. SLD-316355
McClellan, California)	
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	

ORDER

Adopted: April 9, 2004**Released: April 12, 2004**

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. Grant Joint Union High School District (Grant Joint), McClellan, California, seeks review of a decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator) issued on March 10, 2003.¹ On May 12, 2003, Grant Joint appealed the decision to SLD, but SLD denied the appeal because Grant Joint filed the appeal more than 60 days after the decision was rendered.² We affirm SLD's decision. For a review of decisions by SLD issued on or after August 13, 2001, appeals to SLD must be filed within 60 days of the issuance of the SLD decision date.³ Here, Grant Joint filed its appeal to SLD after the 60-day period, in contravention of our rules. We therefore deny the Request for Review.

¹ Letter from Jim Chapman, Grant Joint Union High School District, to Federal Communications Commission, filed June 3, 2003 (Request for Review). *See also* Letter from the School and Libraries Division, Universal Service Administrative Company, to Cyril Kalbach, Grant Joint Union High School District, dated March 10, 2003 (Funding Commitment Decision Letter). Any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

² *See* Letter from Jim Chapman, Grant Joint Union High School District, to Schools and Libraries Division, Universal Service Administrative Company, filed May 12, 2003. Letter from the School and Libraries Division, Universal Service Administrative Company, to Jim Chapman, Grant Joint Union High School District, dated May 14, 2003.

³ 47 C.F.R. § 54.720(b). *See Implementation of Interim Filing Procedures for Filings of Requests for Review, Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Order, 17 FCC Rcd 339 (rel. Dec. 26, 2001), as corrected by *Implementation of Interim Filing Procedures for Filings of Requests for Review, Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Errata (Com. Car. Bur. rel. Dec. 28, 2001 and Jan. 4, 2002).

2. To the extent that Grant Joint additionally asks us to waive our rules in this instance, we deny its request.⁴ Grant Joint states that its records and those of the United Postal Service indicate that SLD received Grant Joint's appeal on May 9, 2003 and not May 12, 2003.⁵ SLD's records and the Express Mail invoice, however, indicate that the appeal was postmarked on May 9, 2003, but was not received by SLD until May 12, 2003, after the 60-day window. Based on the rules in effect when Grant Joint filed its appeal, appeals are considered filed on the date they were received.⁶ Waiver is appropriate only if special circumstances warrant a deviation from the general rule, and such deviation would better serve the public interest than strict adherence to the rule.⁷ We find no such special circumstances in this case. Given the thousands of applications SLD processes each year, it is administratively necessary to place the burden of meeting deadlines on the applicants.⁸

3. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Request for Review filed on June 3, 2003, by Grant Joint Union High School District, McClellan, California, and the request to waive the 60-day time limit in which to file an appeal ARE DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Narda M. Jones
Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau

⁴ 47 C.F.R. § 54.720(b).

⁵ Request for Review.

⁶ The Commission subsequently modified its rules so that appeals to the Administrator or the Commission are filed on the date they are postmarked. This rule was made effective on July 20, 2003. See *In the Matter of Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Second Order, 18 FCC Rcd 9222, para. 57 (2003).

⁷ 47 C.F.R. § 1.3; see *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

⁸ See *Request for Review by Anderson School Staatsburg, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-133664, CC Docket Nos. 96-45 and 97-21, Order, 15 FCC Rcd 25610 (Com. Car. Bur. rel. Nov. 24, 2000), para. 8.